

2015 LEGISLATIVE UPDATE



Utah Sentencing Commission

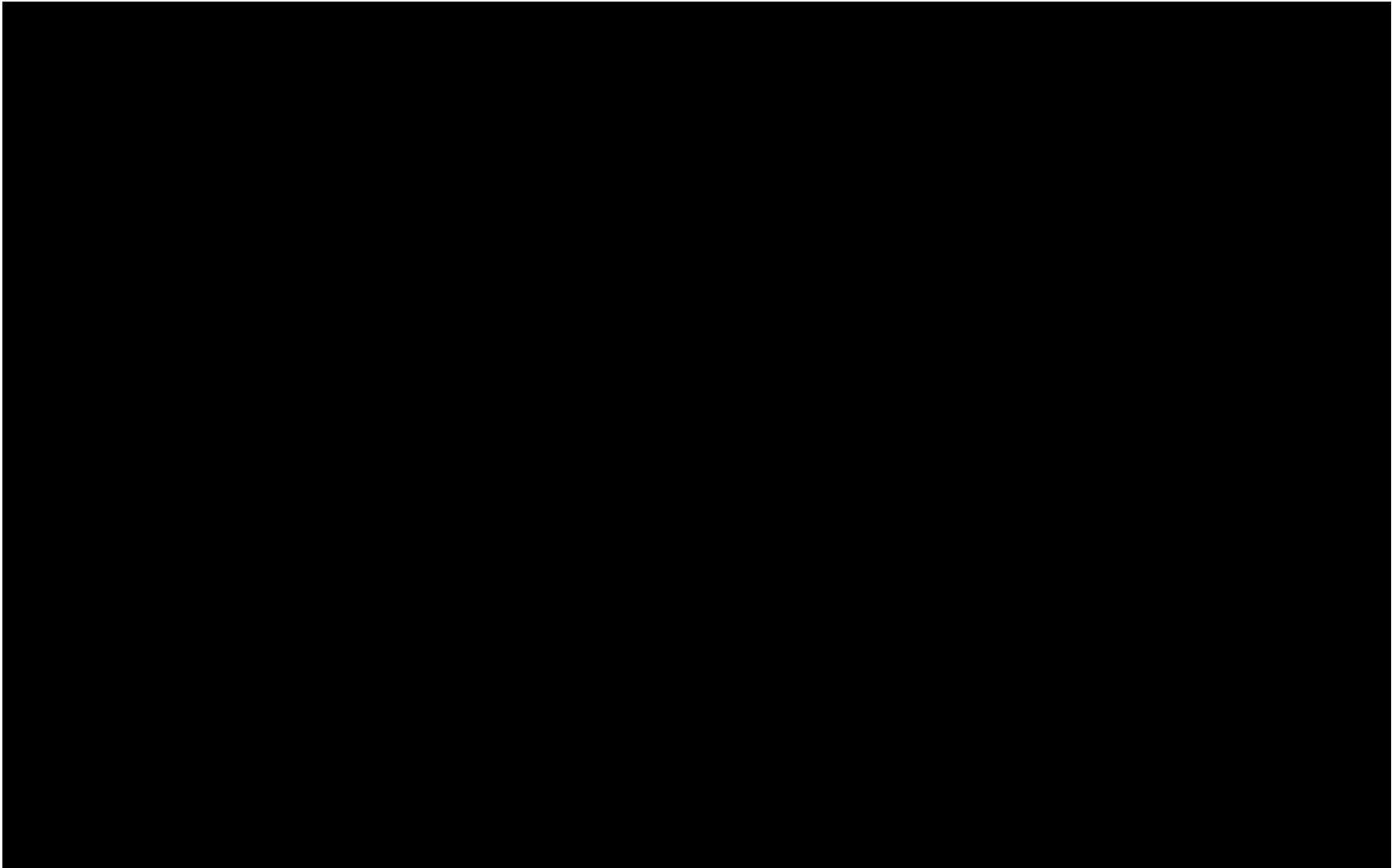
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2015 Totals *									
1 st New Degree Felonies	2 nd New Degree Felonies	3 rd New Degree Felonies	New Class A Misdemeanors	New Class B Misdemeanors	New Class C Misdemeanors	New Infractions	New Fines or Fees	Anticipated Prison Admissions	Anticipated Fiscal Impact [‡]
1		5	11	16	38	257	9		\$15,051,000
2014 Totals									
		4	5	7	1		5		\$105,600
2013 Totals									
3	10	4	2	11	1			7.3	\$6,663,850
2012 Totals									
1	12	16	13	26	6	1	4		\$1,780,400
2011 Totals									
	10	4	2	11	1			7.3	\$6,663,850
2010 Totals									
1	3	4	6	14	4		4		\$918,000

* New Crime totals include penalties increased or decreased from a previously existing penalty.

‡ The anticipated fiscal impact predicts costs to state agencies in only the fiscal year indicated and does not include ongoing costs or the costs to county or local governments.

° Information regarding new fines or fees to offenders was not tracked in these years.

Sentencing Commission Bills

- 4 Priority Bills – all passed:
 - HB348 Criminal Justice Programs & Amendments
 - HB215 Sex Offender Registry Amendments
 - SB59 Domestic Violence Amendments
 - SB115 Assault Offenses Amendments



HB348 S01 Criminal Justice Programs and Amendments

[Representative Hutchings & Senator Adams]

Traffic Misdemeanor
Reclassifications:

- 1 New Class B
- 33 New Class C's
- 256 New Infractions

Most are 1 step reductions
Not DUI or Reckless

*Effective May 12, 2015



Controlled Substance Reclassifications:

- 4 New Class A's
- 1 New Class B
 - Distribution penalty reduced from 1-15 to 0-15
 - Simple Possession becomes a Class A for 1st and 2nd conviction for Schedule I and II. Still a 3rd on 3rd.
 - Enhancement for priors must be from separate criminal episodes.
 - DFZ enhancements reduced from 1000 feet to 100 feet and time limitations added.
 - Possession of marijuana all Class B's (no tiered weight structure).
 - 1st or 2nd conviction of manufacturing/distributing c/s with false license; falsely obtaining prescription; forging a prescription now a Class A, Still a 3rd on 3rd.

*Effective October 1, 2015



Sentencing Commission:

- Revise criminal history scoring to eliminate double counting and focus on factors relevant to re-offense.
- Reduce length of stays for lower level crimes (right side of Form 1).
- Establish graduated sanctions and incentives for responses to probation and parole violations.
- Establish graduated sanctions for probation and parole revocations.

*Effective May 12, 2015



Department of Corrections:

- Directs the Department of Corrections to establish a case action plan for every offender supervised.
- Requires Corrections to update the case action plan for offenders who are in prison and will be released soon.
- Directs Corrections to use the system of graduated sanctions and incentives established by the Sentencing Commission, including up to 3 days in jail but no more than 5 days in jail within a 30 day period, upon approval of the Court or the BOP.
- Requires Corrections to establish supervision standards based on the results of a risk and needs assessment.

- Directs Corrections to establish minimum standards and qualifications for treatment programs provided in county jails.
- Directs Corrections to establish a certification program for providers of sex offender treatment.
- Directs Corrections to establish a program for probationers or parolees to earn time credits for compliance.
- Requires Corrections to track a subgroup of participants in treatment to determine net positive results of treatment as an alternative to incarceration.

*Effective October 1, 2015

Board of Pardons

- Requires BOP to grant credit for time served in jail awaiting a probation revocation hearing.
- Requires BOP to grant credit for time served in jail as a sanction for a probation violation.
- Requires BOP to establish an earned time program that reduces the period of incarceration for offenders who successfully complete specified programs.
- Directs the BOP to include the system of graduated sanctions and incentives as a condition of parole.
- Directs the BOP, when revoking parole, to impose a period of incarceration consistent with the guidelines established by the Sentencing Commission.

*Effective October 1, 2015

Division of Substance Abuse and Mental Health

- Clarifies that the duties for the Division of Substance Abuse and Mental Health include individuals involved in the criminal justice system.
- Directs the Division to establish treatment standards for those required to participate in treatment by the Court or the BOP.
- Directs the Division to establish a certification program for providers in county jails.
- Directs the Division to establish goals and outcome measurements for treatment programs.

*Effective May 12, 2015

Judiciary

- Directs the Judicial Council to develop rules prescribing eligibility requirements for drug courts. Acceptance of an offender into drug court shall be based on a risk and needs assessment, without regard to the nature of the offense.

*Effective May 12, 2015

- Directs the court to follow the graduated sanctions guidelines established by the Sentencing Commission when imposing incarceration for a probation violation.

*Effective October 1, 2015

CCJJ

- Directs CCJJ to establish a county grant program that allocates funds to county programs that reduce recidivism.
- Requires CCJJ to study and evaluate programs initiated by state and local agencies to reduce recidivism.
- Requires CCJJ to receive data, analyze, and compile a report to be provided to the legislative interim committees.

*Effective May 12, 2015

- Any remaining funds appropriated for jail reimbursement shall be distributed to counties to compensate for probation or parole violations.

*Effective July 1, 2015

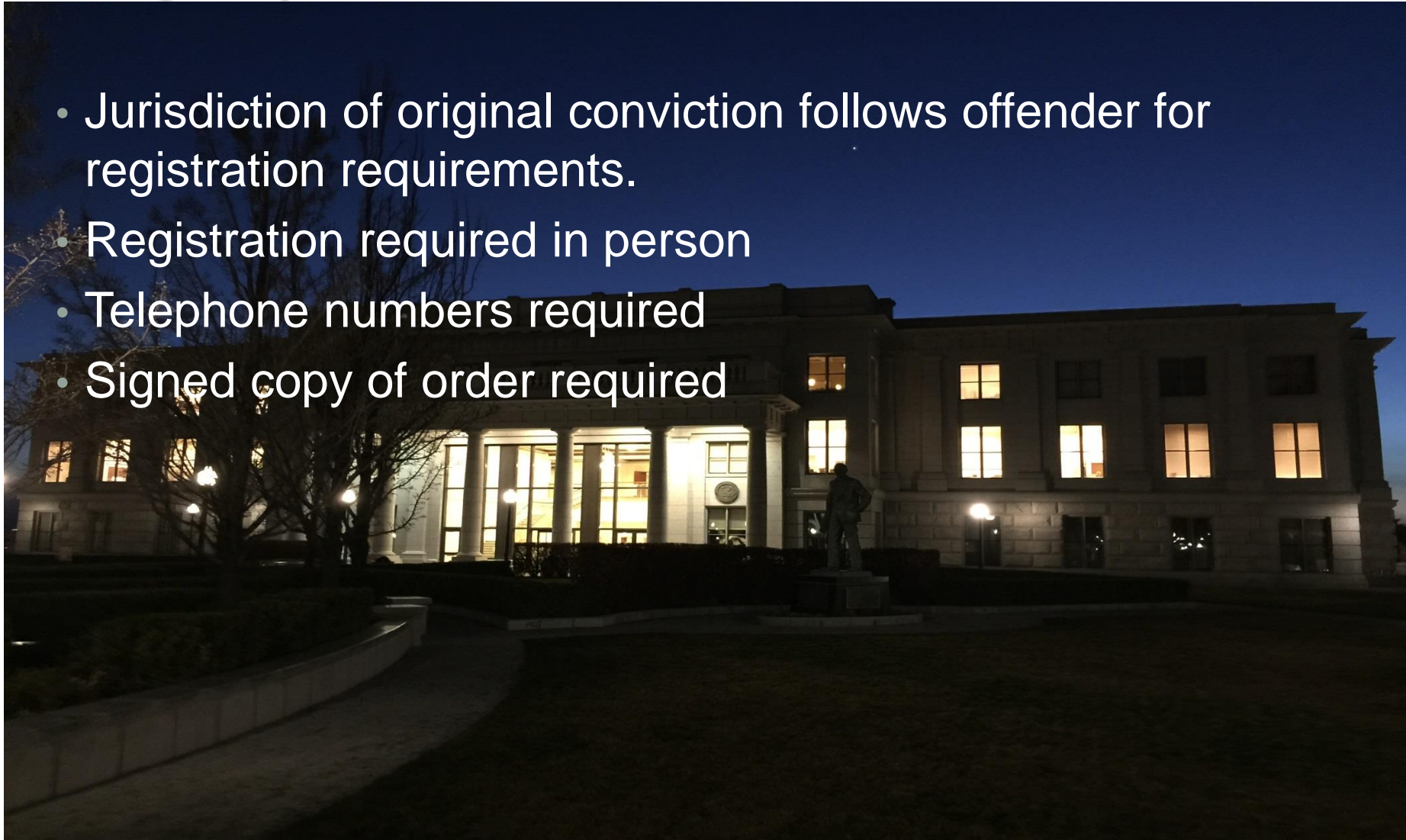
Additions

- DLD may not impose mandatory license suspension for controlled substance conviction if defendant is participating in a substance abuse treatment program.
- Amends affirmative defense elements of criminal trespass if property “at the time” open to the public and actor complies “with all lawful conditions imposed on access to or remaining on the property.”
- Person on probation for schedule I or II controlled substance conviction is still a Cat I restricted person for firearms purposes.

*Effective May 12, 2015

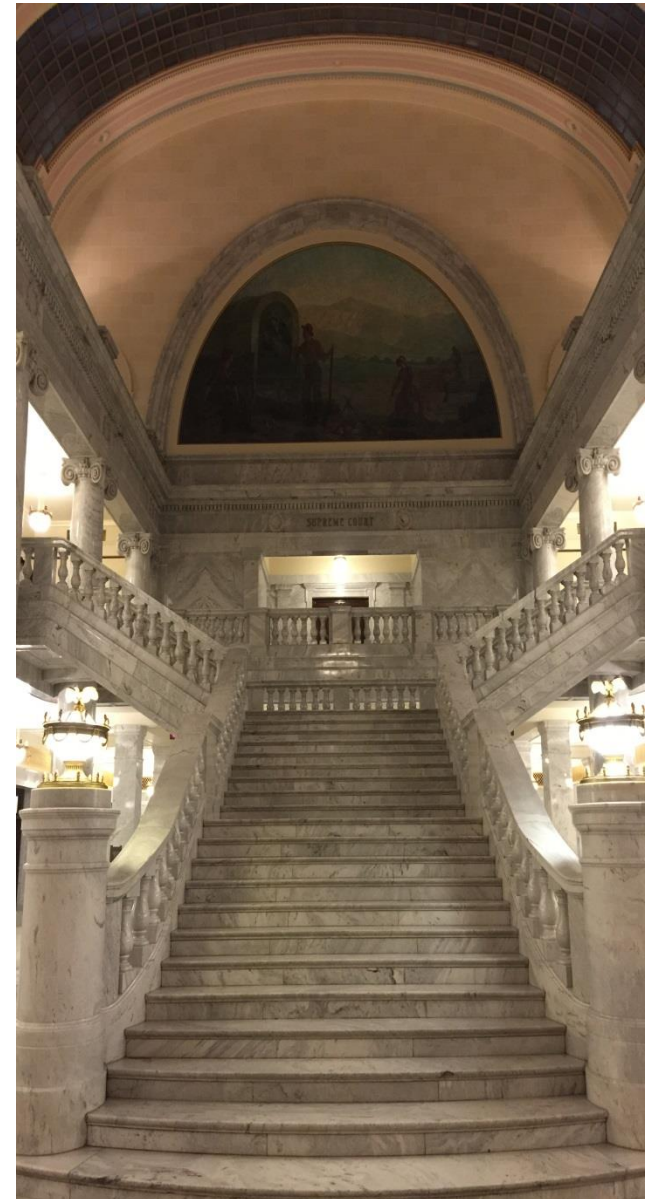
HB215 Sex Offender Registry Amendments [Rep. Draxler]

- Jurisdiction of original conviction follows offender for registration requirements.
- Registration required in person
- Telephone numbers required
- Signed copy of order required



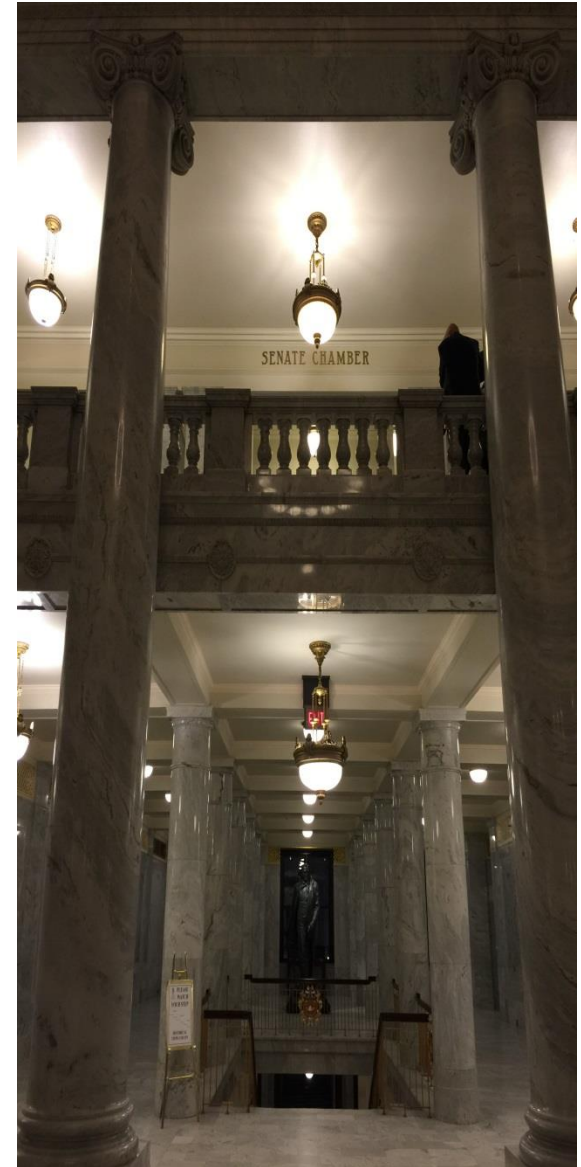
SB59 Domestic Violence Amendments [Sen. Weiler]

- Establishes same standard as exists for DUI offenses
- May no longer plead and sentence the same day without prosecutor approval.
- Prosecutor to review criminal history for prior conviction or pending charge in past 5 years.



SB 115 Assault Offenses Amendments [Sen. Thatcher]

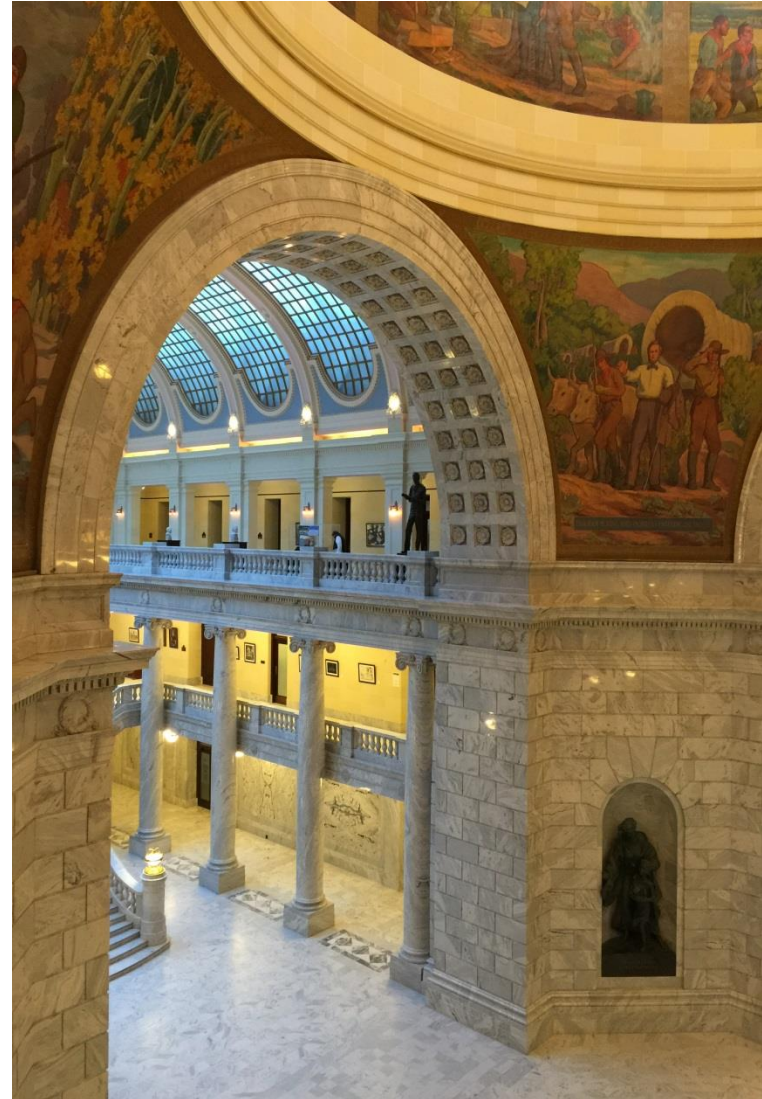
- Narrows elements of misdemeanor assault to use of force or attempted use of force against victim.
- Transfers threat element from misdemeanor assault to the threats of violence statute.
- Aggravated assault elements remain the same.
- Should assist in more accurate recording by BCI of misdemeanor DV assault convictions.



Bills We Supported or Supported in Concept Which Passed

Victim's Bills:

- HB 74 Consent Definition for Sexual Offense (Rep. Romero)
- HB 184 Victim Restitution Amendments (Rep. Wilson)
- HB 353 Probation Amendments (Rep. Schultz)
- SB 136 Statute of Limitations for Criminal Fines, Fees, Restitution (Sen. Hillyard)



General Law Enforcement Bills:

- HB 83 Crimes Against Health Care Providers in Correctional System (Rep Daw)
- HB 85 Peace Officer Training Amendments (Rep. Roberts)
- HB 212 Wildland Fire Liability Amendments (Rep. Wheatley)
- HB 454 S02 Prison Development Amendments (Rep. Wilson)



Juvenile Bills:

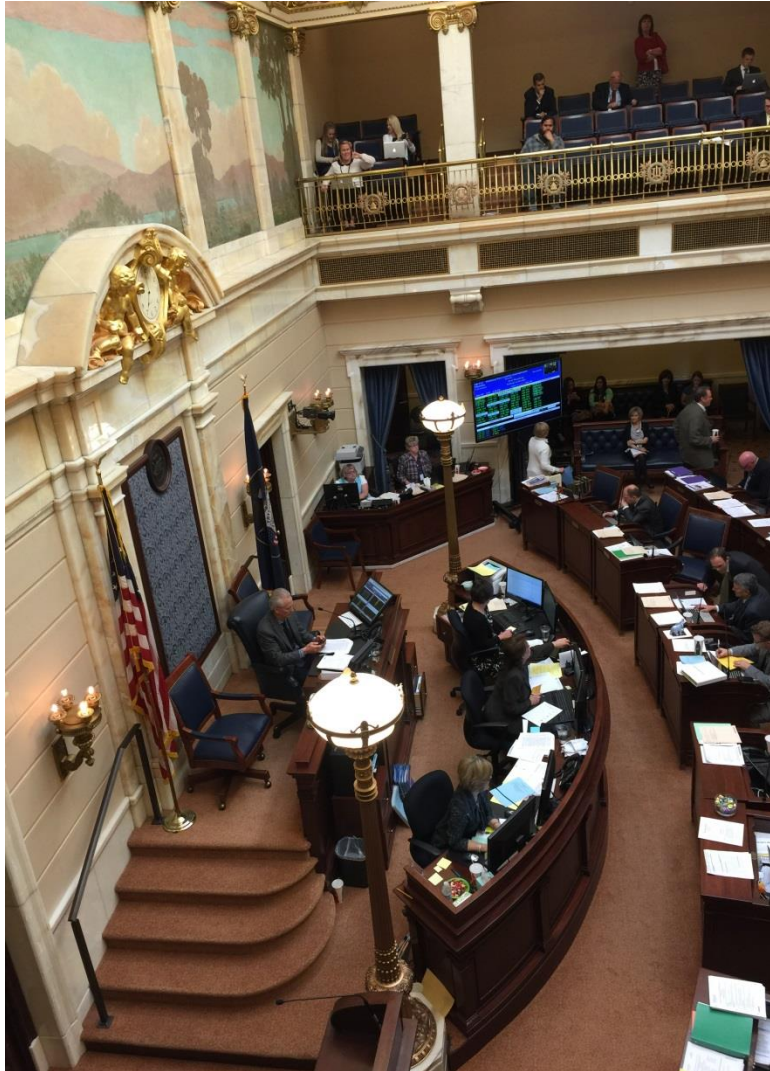
- HB 284 S02 Minor Alcohol or Drug Related Offenses and Driving Privileges (Rep. Redd)
- SB 167 Juvenile Offender Amendments (Sen. Osmond)





Drug, Alcohol & Tobacco Offenses:

- HB 146 DUI Revisions (Rep. Eliason)
- HB 415 S05 Regulation of Electronic Cigarettes (Rep. Ray)
- SB 146 Driving Privilege Amendments (Sen. Millner)
- SB 181 Driver License Modifications (Sen. Bramble)
- SB 265 S01 Abuse Deterrent Opioid Analgesic Drug Products (Sen. Stevenson)



Financial Offenses:

- SB 24 Department of Financial Institutions Amendments (Sen. Bramble)
- SB 109 Removal from Database Amendments (Sen. Thatcher)

Judiciary Bills:

- SB 141 S01 Judiciary Amendments (Sen. Hillyard)
- SB 214 Veterans Court (Sen. Knudson)



Bills Opposed Which Passed

- ▣ HB 131 S03 Tobacco Shop Amendments (Rep. Powell)
[3 New Class A's, B's & C's]
- ▣ HB 340 Voter Preregistration Amendments (Rep. Cox)
[New Class A]
- ▣ SB 82 S01 Forcible Entry Amendments (Sen. Urquhart)
- ▣ SB 119 S01 Prescription Database Revisions (Sen. Weiler)
[New Class C]
- ▣ SB 150 DUI Sentencing Revisions (Sen. Jenkins)
[Removed 2nd Impaired Driving Plea]



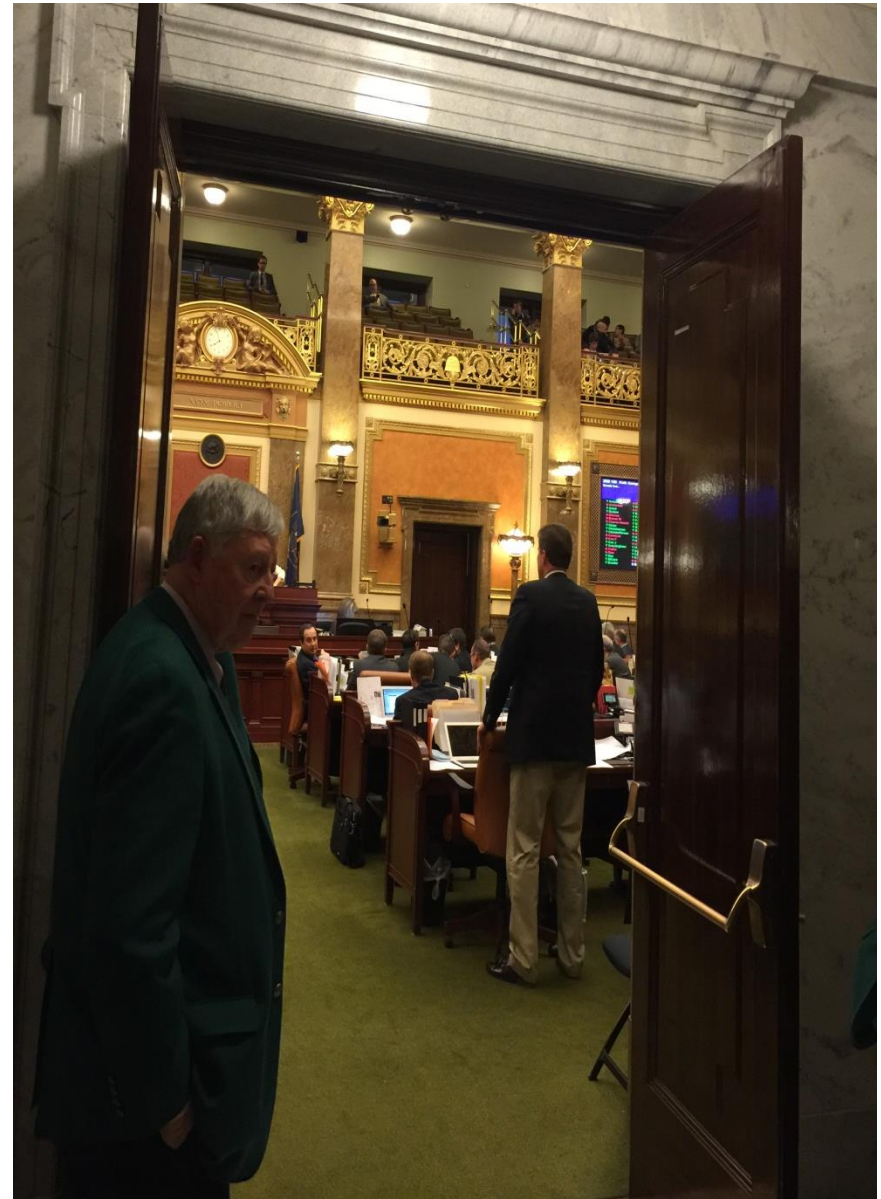
Additional Bills Which Passed

▣ General Crime Bills:

- ❑ HB 11 Death Penalty Procedure Amendments (Rep. Ray)
[Firing Squad Backup]
- ❑ HB 17 Motor Vehicle Emissions (Rep. Perry)
[Fine/Fee]
- ❑ HB 48 Powdered Alcohol Amendments (Rep. Eliason)
[New Class B]
- ❑ HB 79 S01 Safety Belt Law Amendments (Rep. Perry)
[New Infraction as primary offense after warning]
- ❑ HB 214 Misrepresentation of Telephone and Text ID (Rep. Lifferth)
[New Class B & C and fine]
- ❑ HB 300 Firearm & Dangerous Weapons Amendments (Rep. Greene)

Financial Bills:

- ❑ HB 24 S03 Insurance Modifications (Rep. Dunnigan)
[Two new 3rd Degree Felonies]
- ❑ HB 378 S02 White Collar Crime Registry
- ❑ SB 93 S02 Uniform Commercial Code Filing Amendments (Sen. Hillyard)
[New 3rd Degree, Class A & B; New fines]
- ❑ SB 207 S06 Political Activity Amendments (Sen. Bramble)
[Two new Class B's]





Sexual Offenses:

- HB 252 Human Trafficking Amendments (Rep. King)
[New 1st Degree Felony]
- HB 277 Statute of Limitations for Sexual Off. (Rep. Ivory)
- SB 113 Sex Offender Testing Amendments (Sen. Millner)
- SB 238 Prostitution Amendments (Sen. Millner)

Exemptions:

- ❑ HB 72 S01 Ballot Publishing Amendments (Rep. Knotwell)
[Exemption from Class C]
- ❑ HB 104 S02 Cow-Share Program Amendments (Rep. Roberts)
- ❑ HB 140 Sovereign Lands Around Bear Lake (Rep. Webb)
[Exemption from Class B]
- ❑ HB158 Drill Status Travel Amendments (Rep. Peterson)
[Clarifies exemption from Class A and above]
- ❑ SB79 Impeachment Amendments (Sen. Adams)
[Justices of Peace no longer exempt from impeachment]



Animal Offenses:

- HB 254 Livestock Branding Amendments (Rep. Noel)
[New Class B & fine]
- HB 261 Horse Tripping Amendments (Rep. Ivory)
[New fine]
- HB 317 Destruction of Livestock (Rep. Nelson)
[Restitution calculation guidelines]
- SB 134 S03 Game Fowl Fighting Am. (Sen. Davis)
[New 3rd Degree, Class A & Class B]
- SB 163 Wildlife Modifications (Sen. Dayton)
[New 3rd Degree]

